

Criminal Protection Objectivity of the Child's Right to Life and Physical and Psychological Safety

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Abstract : Nowadays, child affairs is a matter of both national and international interests. This issue is regarded a vital topic for various scientific fields across ages, and for all the communities without exception. However, the nature of child caring may vary due to the verities in science perspectives. So, considering child's affairs from different perspectives is helpful to have a complementary image about this matter. The purpose behind selecting this topic is to keep a balance between the victim on the one hand, and the guardian and the offender on the other hand, (i.e.) to avoid any kind of excessiveness either in the protection of the child and its rights not in the punishment of the offender. This is achieved through considering various legal materials in the Iraqi legislation and in the comparative legislations that are concerned with the child's issue and the extent to which the child makes use of these rights. The scope of this study involves the crimes that are considered as aggressions against the child's right to life, and the crimes that are dangerous to their physical and psychological safety. So, this study comprehensively considers the intentional murder of child, child murder to avoid disgrace, child kidnapping, child abandonment, physical abuse for the sake of punishment or not, child circumcision, verbal violence, and abstaining from leaving a child with a person who has the right of custody. This study ends with the most significant concluding points that have been derived throughout this study, which are: Unlike the Iraqi legislation, the Egyptian legislation defines the child in the Article 2 of the Child Law No. 12 of 1996 amended by the Law No. 126 of 2008 that the child is a person who does not exceed 18 years of age. Some legislation does not provide special criminal protection for child intentional murder, as in the Iraqi and the Egyptian legislation. However, some others have provided special criminal protection for a child, as in French and Syrian legislations. Child kidnapping is regarded as one of the most dangerous crimes that affects the child and the family as well, as it may expose the child's life to danger or to death. The most significant recommendations from the researcher are: The Iraqi legislation is recommended to take the necessary measures to establish a particular legislation for the child by including all the legal provisions that are associated with this weak creature, and make use of the Egyptian legislator's experience as a pioneer in this respect. Both the Iraqi legislation and the Egyptian legislation are recommended to enact special laws to protect a child from the crimes of intentional murder, as the crime of child murder is currently subjected to the same provisions consider for adult murder.

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